

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOAN GALE FRANK, JON A. BELL, SAMUEL	§	
BUKRINSKY, JAIME ALEXIS ARROYO	§	
BORNSTEIN, PEGGY ROIF ROTSTAIN, JUAN C.	§	
OLANO, and JOHN WADE in his capacity as trustee of	§	
the Microchip ID Systems, Inc. Retirement Plan, on	§	Civil Action No. 4:09-cv-02217
behalf of themselves and all others similarly situated,	§	
	§	
Plaintiffs,	§	
v.	§	
	§	
THE COMMONWEALTH OF ANTIGUA AND	§	
BARBUDA,	§	
	§	
Defendant.	§	
	§	

UNOPPOSED MOTION FOR CONTINUANCE

Joan Gale Frank, Jon A. Bell, Samuel Bukrinsky, Jaime Alexis Arroyo Bornstein, Peggy Roif Rotstain, Juan C. Olano and John Wade in his capacity as trustee of the Microchip ID Systems, Inc. Retirement Plan (the “Movants”), respectfully move this Court for an Order:

- (i) Continuing the deadline to file the joint discovery/case management plan to a date of the Court’s choosing, approximately 60 days from the date of this Motion and continuing the initial pretrial and scheduling conference until such time thereafter that the Court may deem appropriate; and
- (ii) granting such other relief as this Court deems just and proper.

Pursuant to the Order for Conference and Disclosure of Interested Parties (the “Conference Order”) entered on July 14, 2009, an initial pretrial and scheduling conference has been scheduled in the above-captioned case for October 5, 2009 at 1:30 pm (the “Initial Pretrial Conference”). The Conference Order also requires the parties to file a joint discovery/case

management plan (the “Joint Case Management Plan”) not less than three days before the Initial Pretrial Conference. Although the Movants have taken all appropriate steps to effectuate service on the Commonwealth of Antigua and Barbuda in accordance with 28 U.S.C. § 1608 and the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, the Commonwealth of Antigua and Barbuda’s Central Authority has not yet returned proof of service and defendant has not yet answered or otherwise responded to the Complaint. Movants, therefore, request a continuance of the deadline to file the Joint Case Management Plan to a date of the Court’s choosing, approximately 60 days from the date of this Motion, and continuing the Initial Pretrial Conference until such time thereafter that the Court may deem appropriate.

Dated: September 24, 2009

Respectfully submitted,

MORGENSTERN & BLUE, LLC

By: /s/ Gregory A. Blue

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